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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,054

06/15/2005

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1806.1007

4255

21171 7590 04/07/2009
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EXAMINER

HEINCER, LIAM J

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

04/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Terminal Disclaimer

The terminal disclaimer filed on March 23, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 7,198,846 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The rejection on the grounds of nonstatutory obviousness-type double patenting based on U.S. Patent 7,198,846 has been withdrawn in response to the terminal disclaimer.

Response to Amendment

The proposed amendment submitted on March 23, 2009 will not be entered as it would require new search and consideration. The limitation on cyclic dimer content added in claims 1 and 14 has not been previously presented. As such, the limitation would require new search and consideration.

Response to Arguments

Applicants arguments with regard to claims 1, 2, and 14 will not be addressed at this time as they would require new consideration.

Applicant's arguments filed March 23, 2009 have been fully considered but they are not persuasive, because:

A) Applicants argument that Scardino et al. does not teach high viscosity polymers is not persuasive. Scardino et al. teaches that viscosities of preferably 0.9 to 1.1 dl/g can be achieved by using a solid state step, or through an all melt process (¶¶0013-14). Therefore, both Kato et al. (10:34-59) and Scardino et al. (¶¶0013-14) teach that viscosity can be increased to amounts greater than 0.74 dl/g as claimed.

B) Applicants argument that the rejection requires using a solid-phase step is a mischaracterization of the rejection. Kato et al. teaches that the cyclic dimer content can be reduced through sublimation during the solid phase step (10:34-59) during which

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the intrinsic viscosity increases to values greater than 0.81 (10:34-59). However, Scardino et al. teaches that the devolitization can occur in the melt phase rather than the solid phase (¶0015). Therefore the rejection involves substituting the solid phase devolitization step of Kato et al. with the melt phase devolitization of Scardino et al. Additionally, as Kelsey et al. (US 2002/0009353), which is incorporated in Scardino et al. (¶0015), suggests that the all melt process of Scardino et al. improves the dyeability of the resin (¶0006), and Kato et al. is concerned with improving the dyeability of their resin (10:7-12), a person having ordinary skill in the art at the time of invention would have been motivated to have used the method of Scardino.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liam J. Heincer whose telephone number is 571-270-3297. The examiner can normally be reached on Monday thru Friday 7:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harold Y Pyon/

Supervisory Patent Examiner, Art

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LJH

March 30, 2009